

**DECISION
GRAFTON PLANNING BOARD**

SITE PLAN APPROVAL (SPA 2016-1)

**Professional Office / Day Care
13 Centennial Drive, North Grafton, MA 01536**

13 Centennial Drive LLC / Nassim Aoude (Applicant / Owner)

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Acropolis Design Consultants, 18 Darby Street, Worcester, MA 01605 (hereinafter the APPLICANT), for an Professional Office / Day Care facility on property located at 13 Centennial Drive, North Grafton, MA, (hereinafter the SITE) Assessors Map 5, Lot G-2-6, owned by 13 Centennial Drive LLC / Nassim Aoude (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 52650, Pages 56-57. Said property is located in an Office / Light Industrial (OLI) zone and within the Campus Development Overlay District (CDOD).

The Application was filed with the Planning Board January 13, 2016. Notice of the public hearing and the subject matter thereof was published in the Grafton News on January 21 and January 28, 2016, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. The public hearing on the Application was opened on February 9, 2015. During the public hearings, all those wishing to speak to the petition were heard. Following public input the hearing was closed on February 9, 2016.

The following Board members were present throughout the public hearing: Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and members Linda Hassinger, David Robbins. At the hearing, the APPLICANT presented the proposal. Also present for the hearing were Applicant representatives Nassim Aoude (OWNER), Travis Gordon, Director of Facilities, and Rafael Hernandez of Acropolis Design Consultants. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or in the Office of the Planning Board.

I. SUBMITTALS

The following items were submitted to the Board for its consideration of this application:

EXHIBIT 1. Unbound application submittal materials, prepared by Land Planning, Inc., submitted on July 9, 2013, consisting of the following:

- Application for Site Plan Approval; received date January 13, 2016; 1 page.
- Certificate of Good Standing; signed by the Treasurer / Collector's Office on January 13, 2016; 1 page.
- Certified Abutters List, signed by Assessors Office Manager; dated January 7, 2016; 1 page.
- Correspondence; Re: 13 Centennial Drive, Submission Requirements Per Section 1.3.3.3 (Waiver Requests); prepared by David Sadowski; dated January 12, 2016; 3 pages.
- Correspondence; Traffic Impact Assessment; prepared by David Sadowski; dated January 4, 2016; 1 page.

- Correspondence; Parking Space Analysis: Section 4.2 Off Street Parking; prepared by David Sadowski; dated January 4, 2016; 1 page.
- Copy of email Correspondence; Sent by David Sadowski to Acropolis Design; dated December 16, 2015; 2 pages.
- Existing Conditions Plan; prepared by Sadowski Engineering; 11" X 17"; black and white; dated December 17, 2015; received January 13, 2016; 1 page.
- Documentation; Partial Change of Use from B-Business to E-Educational – Code Review; prepared by Dimensions 2&3 Architecture / Design; dated December 24, 2015; 13 pages.
- Plan Sets; Change of Occupancy: Autism Behavior Services, Inc., 13 Centennial Drive, Grafton, MA 01536; prepared by Acropolis Design Consultants; 24" x 36" and 11" X 17"; color; dated January 11, 2016; 6 sheets including:
 - o T-1Title Sheet Drawing List & Locus Map
 - o T-2General Notes
 - o A-1First Floor Plan
 - o A-2Emergency System
 - o A-3Building Elevations
 - o A-4Signs
- Plan; Existing Conditions; prepared by Acropolis Design Consultants; 24" x 36" and 11" X 17"; black & white; dated December 17, 2015; 1 sheet.

- EXHIBIT 2.** Information Sheet, Autism Behavioral Services; no date; received January 14, 2016; 1 page.
- EXHIBIT 3.** Departmental Comment Form, Police Department; received January 15, 2016; 1 page.
- EXHIBIT 4.** Correspondence from the Grafton Fire Department; Autism Behavioral Services, 13 Centennial Drive; dated January 29, 2016, received February 1, 2016; 1 page.
- EXHIBIT 5.** Public Hearing Sign In Sheet, February 9, 2016; 1 page.

II. FINDINGS

At their meeting of [REDACTED] after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by [REDACTED] seconded by [REDACTED]) voted [REDACTED] to make the following Findings:

- F1. That determinations regarding the following Findings are based upon the plans identified in this Decision, as well as the information submitted and presented in association with the Application.
- F2. That determinations regarding the following findings are predicated on the satisfactory maintenance of the site in accordance with this Decision, as well as all applicable federal, State, and Local regulations, except where modified by this Decision
- F3. That the subject site is located within two zoning districts: Office / Light Industrial (OLI) and the Campus Development Overlay District (CDOD). No portion of the site is located within the Water Supply Protection Overlay District.

- F4. That during the public meeting the Board and the Applicant discussed the proposed project. The original Site Plan developed for this site (located within CenTech Park West) was for an office building (Site Plan 2002-2). The original tenants have since departed from the site and there are two professional offices and the Autism Behavioral Services (ABS) facility occupying the building. ABS coordinates with local school districts in providing applied behavioral services (ABA) to children, teens, and young adults ranging in age from 6-21 years old. The Applicant reviewed the operations of the facility including the staff and client ratios, hours of operations and a traffic impact assessment (see EXHIBIT #1 and EXHIBIT #2).

It was noted that the day care facilities, protected under the Dover Amendment, were directly related to the work of the professional staff who provide ABA services and conduct research in the field of autism. Mr. Laydon, Town Planner, noted that the Zoning Enforcement Officer / Building Inspector first determined that the new use was classified as a professional office. Upon further review, it became clear that the actual use is more closely related to that of a day care center. Because of the lack of definition under the Campus Overlay District for this type of use, classification for both uses has differentiating requirements. Child Care is allowable only as an accessory use. Staff required that the Applicant appear before the Board with a Site Plan in order to satisfy the needs of both uses.

- F5. That during the public meeting the Board and the Applicant discussed the parking. The Applicant noted that a basketball area had been located in the parking lot as part of the child care facilities. A parking analysis was submitted and reviewed by the Applicant (see EXHIBIT #1). It was noted that the reduction of the parking area did not negatively impact the parking calculations for the proposed uses.
- F6. That during the public meeting the Board and the Applicant reviewed comments from the Fire Department (see EXHIBIT #5). The Fire Department had recently inspected the site and was unaware that there was an addition of day care facilities. The Fire Department noted that their emergency response management plan for day care facilities must take into consideration the presence of children on site which requires additional resources. The proposed change in use needs to be on record with the Fire Department so they can plan and prepare accordingly. In addition, the day care facility will require an annual inspection and possibly fire drills.
- F7. That during the public meeting the Board and the Applicant discussed signage. It was noted that there is signage currently on site and building which may or may not be in conformance with the requirements of the Zoning By-Law based on the underlying and overlay zoning for the site. The Applicant is not proposing any change to the existing signage as part of this Application. The Board noted that the Owner will need to address signage with the Zoning Enforcement Officer / Building Inspector and under the requirements of the Zoning By-Law.
- F8. That during the public meeting the Board received a Departmental Comment Form from the Police Department (see EXHIBIT #4). It was stated they had comments or objections of note.
- F9. The Board notes that no public input was received prior to or during the public hearing.

At their meeting of [REDACTED] after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by [REDACTED] seconded by [REDACTED]) voted [REDACTED] - [REDACTED] voted to make the following Findings with regard to the specific issues listed in Section 1.3.3 of the ZBL:

- F10. That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board. The Board further finds that

Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure. The Board finds that the Applicant requested four waivers (see SECTION III – WAIVERS).

- F11. The Board finds that the Applicant **did / did not** satisfy the submission requirements for a site plan as required in Section 1.3.3.3 of the Zoning By-Law.

III. WAIVERS

- W1. At their meeting of [REDACTED] after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by _____, seconded by [REDACTED]) voted - to **GRANT / DENY** the Applicant's request for the following waivers from **Section 1.3.3.3 (d) Site Plan Requirements** of the ZBL with regard to preparing site plans:

- (8.) Locus Map (scale of 1"=1,000')
- (11.) Ownership of all abutting land and approximate location of buildings, driveways, and parking areas thereon within a maximum distance of two hundred feet (200') of the property lines
- (15.) Lot coverage calculations

The Applicant noted in their Application (EXHIBIT #1) that these waiver requests were based on the fact that the existing site is fully developed and that an existing site plan showing existing conditions had been previously developed.

The Board notes that the requested waivers **are / are not reasonable** given the nature of the Application, the existence of a previously developed site plan and the existing build out of the site which is not being altered as part of this Application.

- W2. At their meeting of [REDACTED] after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by _____, seconded by [REDACTED]) voted - to **GRANT / DENY** the Applicant's request for a waiver from **Section 1.3.3.3 (e) Stormwater Management and Hydrological Study** of the ZBL.

The Applicant noted that a Stormwater Management Site Study was submitted and approved when the site was originally developed for the previous use. No changes to the site or the structure are proposed.

The Board notes that the requested waiver **is / is not reasonable** given the nature of the Application and the existing build out of the site which is not being altered as part of this Application.

IV. DECISION

At their meeting of [REDACTED] after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by [REDACTED] seconded by [REDACTED]) voted - to **APPROVE** the Site Plan with the following conditions:

- C1.) That this Site Plan Approval application is for a change in use from the previously approved Site Plan for this site to Professional Office / Day Care (see FINDING #F4).
- C2.) Any change in the site layout including but not limited to any reduction of parking spaces as presented in this Application shall be allowed only in accordance with the Conditions stated within this Decision (see FINDING #F5).
- C3.) The Owner shall comply with all the requirements of the Town of Grafton emergency services departments such as the Fire Department and Police Department to ensure the ongoing planning and preparation for emergency services to the site and in particular the day care facility. Such requirements include but are not limited to annual inspections by the Fire Department and fire drills as deemed necessary (see FINDING #F5).
- C4.) Signage for, and associated with, the use authorized by this Decision shall be installed in accordance with, and conform to, the Town of Grafton Zoning By-law. This Decision shall not be construed as approving or authorizing any such signage.
- C5.) Any modification to the building location or site improvements as shown on the Plans or authorized by this Decision shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any Modification of this Decision shall be made pursuant to Section 1.3.3 of the Zoning By-law, and any other applicable regulations.

V. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted - to **APPROVE / DENY** the Site Plan Approval Application with Conditions for a Professional Office / Day Care facility at 13 Centennial Drive based on the information received at the public hearing and the aforementioned findings.

<u>Sargon Hanna, Chairman</u>	<u>AYE / NAY</u>	<u>Linda Hassinger, Member</u>	<u>AYE / NAY</u>
<u>Michael Scully, Vice Chairman</u>	<u>AYE / NAY</u>	<u>David Robbins, Member</u>	<u>AYE / NAY</u>
<u>Robert Hassinger, Clerk</u>	<u>AYE / NAY</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD

Joseph Laydon, Town Planner

Date

- cc: 13 Centennial Drive LLC / Nassim Aoude (Owner)
- Acropolis Design Consultants (Applicant)
 - Building Inspector
 - Board of Assessors
 - Fire Department